

## REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 5–12 are cancelled, rendering the rejections thereof moot. The reference to claim 1 in paragraph number 5 of the Office Action (page 3) is believed a typographical error because the paragraph begins with a rejection of claim 12.

Claims 1–4 were rejected as unpatentable over Schillhof et al. in view of Lipton et al. Other than broadly relating to soft muting, the relevance of the Schillhof et al. patent is not understood — and not explained by the Examiner. FIG. 1 in the patent is a schematic of an **analog** circuit. Claim 1 recites a **digital** circuit. In FIG. 1 of the Schillhof et al. patent, an input signal is coupled to terminals 7 and 8. The voltage is divided by series resistors 4, 5, and 6, providing two taps. One or the other of the taps is coupled to the input of amplifier 15. It is respectfully submitted that none of the elements recited in claim 1 are found in the Schillhof et al. patent. FIG. 3 of the patent is a schematic of a **timing** circuit for “for switching the output 1 between the first input 2 and the second input 3 within a switching interval of a predeterminable duration” [column 10, lines 34–36]. How any of this relates to the invention is a mystery. FIGS. 5 and 6 of the Schillhof et al. patent are the same thing with more taps.

The Lipton et al. patent discloses a “telephone circuit 34” for coupling a plurality of telephones to an “audio device” for a conference call. The Lipton et al. patent is cited for showing an amplifier. Surely, with entire classes in the PTO devoted to amplifiers, a more clear teaching could be found. The Lipton et al. patent further discloses that “The telephone circuit 34 can include a variable-gain amplifier whose gain is varied based upon the volume controls. Typically, the volume controls include a first key to command an increased volume and a second key to command a decreased volume” [column 3, lines 16–20]. Needless to say, this is not a disclosure of “an amplifier having a gain control input for receiving digital data and a signal input.” Nor is it a disclosure of the remainder of claim 1.

Claims 2, 3, and 4 distinguish further over the prior art.

Claim 13 was rejected as unpatentable over Scheuer et al. in view of Lipton et al. With respect to the Scheuer et al. patent, the Examiner lists elements with no rhyme or reason. After acknowledging that the Scheuer et al. patent does not disclose a variable gain amplifier, the Examiner asserts that "It may, however, be noted that an amplifier with a variable gain control is well known in the art." So, why cite the Scheuer et al. patent? Is the Examiner asserting Official Notice? The statement in support of the rejection is very ambiguous and not understood.

Applicants are not claiming just an amplifier having a gain control input. The Examiner is generalizing the claim to make the rejection plausible.

FIG. 1 in the Scheuer et al. patent is a block diagram of an **analog** circuit. Claim 1 recites a **digital** circuit.

In FIG. 1 of the Scheuer et al. patent, music is coupled to mute circuit 154. The Scheuer et al. patent does not disclose voice signals coupled to a mute circuit.

The Lipton et al. patent discloses a "telephone circuit 34" for coupling a plurality of telephones to an "audio device" for a conference call. The Lipton et al. patent is cited for showing an amplifier. Surely, with entire classes in the PTO devoted to amplifiers, a more clear teaching could be found. The Lipton et al. patent further discloses that "The telephone circuit 34 can include a variable-gain amplifier whose gain is varied based upon the volume controls. Typically, the volume controls include a first key to command an increased volume and a second key to command a decreased volume" [column 3, lines 16–20]. Needless to say, this is not a disclosure of "an amplifier having a gain control input for receiving digital data and a signal input." Nor is it a disclosure of the remainder of claim 1.

The assertion that the Scheuer et al. patent and the Lipton et al. patent "are analogous because they are from a similar problem solving area, viz., telephonic communications" seems a stretch of the imagination. One patent discloses a squelch circuit in a public address system, the other patent discloses a switch box for pseudo-conference calls. It is respectfully submitted that the assertion of similarity does not begin to satisfy the requirements of *In re Rouffet* 47 USPQ2d 1453 (Fed. Cir. 1998) for a motive to combine prior art.

Claim 14 was rejected as unpatentable over Scheuer et al. in view of Lipton et al. and Schillhof et al. The reference to accumulator 19 is out of context. FIG. 3 in the Schillhof et al. patent is a timing circuit, not a mute circuit. As expressly disclosed in the Schillhof et al. patent, the circuit shown in FIG. 3 is "for switching the output 1 between the first input 2 and the second input 3 within a switching interval of a predeterminable duration" [column 10, lines 34–36]. Obviously, the Schillhof et al. patent is completely irrelevant to claim 14. Equally apparent is the lack of any motive for the combination proposed by the Examiner.

Claim 15 is added to further define the invention.

In view of the foregoing amendment and remarks, it is respectfully submitted that claims 1–4 and 13–15 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



Paul F. Wille

Reg. No. 25,274

Attorney for Applicants

6407 East Clinton Street  
Scottsdale, AZ 85254  
tel.: 602 549–9088  
fax.: 480 778–0304